

CONSTITUTION AND BYLAWS
of the
BAY MILLS INDIAN COMMUNITY
MICHIGAN

PREAMBLE

We, the members of the Sault Ste. Marie Band of Chippewa Indians residing on the Bay Mills Reservation, Michigan, in order to establish a tribal organization, to conserve our common property, to develop our common resources, promote the welfare of ourselves and our descendants, do ordain and establish this constitution and by-laws for our Community.

ARTICLE I-NAME

This organization shall be known as the Bay Mills Indian Community.

ARTICLE II-TERRITORY

Section 1. The jurisdiction of the Bay Mills Indian Community shall extend to all territory within the original confines of the Bay Mills Reservation purchased under the Act of June 19, 1860 (12 Stat. 58), and to such other land within or without said boundary lines as may be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE III-MEMBERSHIP

AMENDMENT II DATE: August 7, 1959

Article III of the Constitution shall be amended in its entirety as follows:

Section 1. Original Members. The membership of the Bay Mills Indian Community shall consist of:

- (a) Each living person of the Sault Ste. Marie Band of Chippewa Indians of Michigan whose name appears on the Durant Roll of 1910 as a member of the Indian group residing on the Bay Mills Reservation, provided such person is not enrolled as a member of any other tribe or group of Indians.

- (b) Each living descendant of a person whose name appears on the roll referred to in Section 1 (a) who was residing on the Bay Mills Reservation, or on any land added thereto, on October 8, 1936, the date of the adoption of the Constitution of the Bay Mills Indian Community.
- (c) Each living person who prior to the approval of this amendment by the Secretary of the Interior has been adopted as a member of the Bay Mills Indian Community by a majority vote of the General Tribal Council, provided such action of the Council has been approved by the Secretary of the Interior or his authorized representative.
- (d) Each living person born between October 8, 1936, and the date of approval of this amendment by the Secretary of the Interior, one of whose parents was a member of the Community and residing on the Bay Mills Reservation at the time of the person's birth, and each living person born during that period both of whose parents were members of the Community without regard to residence.

Sec. 2 Future Members. Each child of at least 1/4 Indian blood of the Sault Ste. Marie Band of Chippewa Indians born after the date of approval by the Secretary of the Interior of this amendment to any member of the Bay Mills Indian Community or descendant of a member shall be entitled to membership in the community, provided that the parent, next of kin, recognized guardian, or person responsible for the child's care shall within one year after the birth of the child submit a written application to the President of the Executive Council to have the child enrolled. The application shall be accompanied by the child's birth certificate, together with any other evidence as to the eligibility of the child for enrollment as the Executive Council may require. If the certificate, other evidence, and application are not filed within the designated time, the child shall not be enrolled.

Sec. 3 Adoption. Any descendant of a person whose name appears on the Durant Roll of 1910 as a member of the Sault Ste. Marie Band of Chippewa Indians of Michigan who is not enrolled as a member of any other tribe or group of Indians may be admitted to membership in the Bay Mills Indian Community by the General Council with the approval of the Secretary of the Interior.

Sec. 4 Current Membership Roll. The membership roll of the Bay Mills Indian Community shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Community and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Executive Council, and by adding thereto the names of persons who meet the membership requirements. In the event of the distribution of Community assets, the membership roll shall be submitted to the Secretary of the Interior for approval.

Sec. 5 Appeals. Any person who has been rejected for enrollment as a member of the Community shall have the right to appeal within 60 days from the date of written notice or rejection to the Secretary of the Interior from the decision of the Executive Council, and the decision of the Secretary of the Interior shall be final.

Sec. 6 Authority of Council. The General Tribal Council shall have authority to enact ordinances, subject to review by the Secretary of the Interior, covering loss of membership and adoption of members into the Community.

ARTICLE IV-GOVERNING BODY

Section 1. The governing body of the Community shall be the General Tribal Council which shall be composed of all qualified voters of the Community.

AMENDMENT IV DATE: July 9, 1974

Section 2. The General Tribal Council shall elect from its own members who are twenty-one (21) years of age or over, by secret ballot, a President, a Vice President, a Secretary, a Treasurer, and one Council-man. The five so elected shall constitute the executive council, which shall exercise the powers and duties delegated to it by the General Tribal Council which reserves the right of review over actions of the Executive Council. Members of the Executive Council shall hold office for a term of two (2) years.

Section 3. Within thirty (30) days after the ratification and approval of this Constitution and By-laws, a General Tribal Council shall be called by the present Business Committee for the purpose of electing the officers named herein, and to transact such other business as may be necessary.

Section 4. The present Business Committee shall provide the regulations for nominations and the conduct of the first election, and thereafter the Executive Council shall make such provisions for all elections.

Section 5. The General Tribal Council shall provide by resolution the date and manner of holding regular meetings.

Section 6. The President of the Executive Council may, or upon petition of ten (10) qualified voters shall, by written notice posted at least ten days in advance, call a special meeting of the General Tribal Council.

AMENDMENT V DATE: July 9, 1974

Section 7. Any member of the Bay Mills Indian Community who is eighteen (18) years of age or over shall be entitled to vote at any election or General Tribal Council meetings at which he presents himself during the official voting.

AMENDMENT VI DATE: March 12, 1975

Section 8. A number equal to one-fourth of the resident qualified voters of the Bay Mills Indian Community shall constitute a quorum at any regular or special meeting of the general tribal council.

ARTICLE V-VACANCIES AND REMOVAL FROM OFFICE

Section 1. If a member of the Executive Council or official shall die, resign, permanently leave the reservation or shall be found guilty of a misdemeanor involving dishonesty or of a felony in any Indian, State, or Federal Court, the Executive Council shall declare the position vacant and call a General Tribal Council meeting to fill such vacancy for the unexpired term.

Section 2. The General Tribal Council may by a two-thirds affirmative vote expel any member of the Executive Council for neglect of duty or gross misconduct. Before any vote on expulsion is taken, such member shall be given an opportunity to answer any and all charges at a designated General Tribal Council meeting; the decision of the General Tribal Council shall be final.

ARTICLE VI-POWERS OF THE GENERAL TRIBAL COUNCIL

AMENDMENT I DATE: December 28, 1937

Section 1. That the title of Article VI of the Constitution be changed to read, Powers of the General Tribal Council.

Section 1. The General Tribal Council of the Bay Mills Indian Community shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State and local government;
- (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;
- (c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets;
- (d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Bay Mills Indian Community prior to the submission of such estimates to the Bureau of the Budget and to Congress;
- (e) To manage all economic affairs and enterprises of the Bay Mills Indian Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior;
- (f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Bay Mills Indian Community, providing for the manner of making, holding, and revoking assignments of tribal land or

interests therein, providing for the levying of assessments for the use of community property or facilities, and the appropriation of available tribal funds for public purposes, providing for the licensing of nonmembers coming upon the reservation for purposes of hunting, fishing, trading or other business and for the exclusion from the territory of the tribe of persons not so licensed and establishing proper agencies for law enforcement upon the territory embraced in the jurisdiction of this constitution;

- (g) To charter subordinate organizations for economic purposes, and to delegate to such organizations, or to any subordinate boards or officials of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power
- (h) To adopt resolutions not inconsistent with this Constitution and By-laws, regulating the procedure of the General Tribal Council or Executive Council and of other community agencies, community officials or community organizations of the Bay Mills Indian Community.

Sec. 2. Future Powers. - The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by any member of the Community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

Sec. 3. Reserved Powers. - Any rights and powers heretofore vested in the members of the Sault Ste. Marie Band of Chippewa Indians residing on the Bay Mills Reservation, Michigan, but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Bay Mills Indian Community, through the adoption of appropriate by-laws and constitutional amendments.

Sec. 4. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the jurisdiction who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the General Tribal Council of such rescission.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, she shall advise the General Tribal Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII-REFERENDUM

AMENDMENT I DATE: December 28, 1937

That an Article be added to the Constitution as follows:

Upon a petition of at least thirty percentum of the resident eligible voters of the Bay Mills Indian Community, any enacted or proposed ordinance, resolution or other regulative act of the Executive Council shall be submitted to a referendum of the resident qualified voters.

ARTICLE VIII-AMENDMENTS

This Constitution and By-Laws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third of the qualified voters, members of the community.

BY-LAWS

ARTICLE I-DUTIES OF OFFICERS

Section 1. The President of the Executive Council shall preside over all meetings of the General Tribal Council and Executive Council, shall perform the usual duties of a chairman, and exercise any authority delegated to him by the General Tribal Council. He shall vote only in the case of a tie.

Section 2. The Vice-President shall assist the President when called upon to do so and in the absence of the President he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the President.

Section 3. The Secretary of the Council shall conduct all Community correspondence and shall keep an accurate record of all matters transacted at General Tribal and Executive Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the General Tribal Council.

Section 4. The Treasurer of the Council shall accept, receive, receipt for, preserve and safeguard all funds or special funds within the control of the community. He shall deposit all funds in such depository as the General Tribal Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the General Tribal Council or the Executive Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the General Tribal Council.

The Treasurer shall be required to give a bond satisfactory to the Executive Council and to the Commissioner of Indian Affairs, as soon as there are sufficient funds in the Treasury to warrant such bond as determined by the General Tribal Council or the Commissioner of Indian Affairs.

Section 5. The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the General Tribal Council at the time of their creation or appointment. Such boards and officers shall report to the Council from time to time as required, and their activities and decisions shall be subject to review by the General Tribal Council upon the petition of any person aggrieved.

ARTICLE II-EXECUTIVE COUNCIL MEETINGS

The Executive Council shall meet regularly on the first Monday of January, April, July and November, and at such other times as the Executive Council may decide, and on the call of the President or any three members of the Executive Council. Three members of the Executive Council shall constitute a quorum at any regular or special meeting.

ARTICLE III-RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the members of the Sault Ste. Marie Band of Chippewa Indians residing on the Bay Mills Reservation, Michigan, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 15, 1936, by the Secretary of the Interior, the attached Constitution and By-Laws was submitted for ratification to the Sault Ste. Marie Band of Chippewa Indians residing on the Bay Mills Reservation, Michigan, and was on October 8, 1936, duly adopted by a vote of 70 for, and 4 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Arthur W. LeBlanc,
Chairman of Election Board.

John H. Cameron,
Secretary of Election Board.

J.C. Cavill,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-Laws of the Sault Ste. Marie Band of Chippewa Indians residing on the Bay Mills Reservation, Michigan.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-Laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-Laws.

Approval recommended October 28, 1936.

John Collier,
Commissioner of Indian Affairs

Harold L. Ickes,
Secretary of the Interior.
(SEAL)

Washington, D.C., November 4, 1936.